

## REMARKS

### Remark 1:

With all due respect, Applicant submits this PRELIMINARY AMENDMENT to add the proper relationship data to the specification.

### Remark 2: REQUEST FOR TELEPHONIC OR IN-PERSON EXAMINER'S INTERVIEW

With all due respect, Applicant hereby requests that the Examiner be available for a telephonic or in-person Examiner's Interview under 37 CFR 1.133 (see also MPEP 713.01 et seq.) in the event the Examiner has any grounds for rejection or objection of the amendments made herein.

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## CONCLUSION

Applicant respectfully submits that for all the foregoing reasons, the claimed subject matter describes patentable invention. Furthermore, Applicant submits that the specification is adequate and that the claims are in a condition for allowance. No new matter has been entered.

Applicant hereby respectfully requests Examiner to enter these amendments, find them descriptive of useful, novel and non-obvious subject matter, and authorize the issuance of a utility patent for the truly meritorious, deserving invention disclosed and claimed herein.

Without further, Applicant does not intend to waive any claims, arguments or defenses that they may have in response to any official or informal communication, paper, office action, or otherwise, and expressly reserves the right to assert any traverse, additional grounds establishing specificity and clarity, enablement, novelty, uniqueness, non-obviousness, or other patentability, etc.

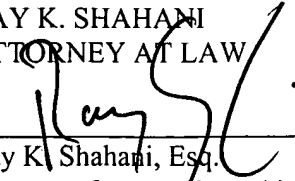
Further, nothing herein shall be construed as establishing indirectly the basis for any prosecution history, file wrapper estoppel, or similar in order to limit or bar any claim of infringement of the invention described herein, either directly or under applicable doctrine of equivalents.

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Respectfully submitted,

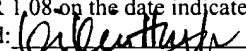
Dated: July 22, 2004

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**CERTIFICATE OF MAILING**

I hereby certify that this paper and the documents attached hereto are being deposited in a postage prepaid, sealed envelope with the United States Postal Service using First Class Mail service under 37 CFR 1.08 on the date indicated and is addressed to "Commissioner For Patents And Trademarks, Virginia 22313-1450". Signed: 

Date Mailed: July 22, 2004



## RELATED APPLICATIONS

This application is a Continuation-In-Part of U.S. Application Serial No. 10/158,593 filed May 30, 2002, entitled CAPSICUM BASED SEED COATING AND METHOD OF USE, and claims any and all benefits of priority of filing dates as it is entitled to. This application is also

5 related to U.S. Provisional Application Serial No. 60/294,374 filed May 30, 2001, entitled CAPSICUM BASED SEED COATING AND METHOD OF USE, ~~and claims any and all benefits of priority of filing dates as it is entitled to. This application is also related to~~ which is a Continuation-In-Part of U.S. Patent Application Serial No. 09/747,225 filed December 22, 2000, which is a Continuation-In-Part of U.S. Patent Application Serial No. 09/374,548 filed August 12,

10 1999, which is a Continuation of U.S. Patent No. 5,937,572 issued August 17, 1999, based on Application Serial No. 08/871,004 filed June 6, 1997, and claims any and all benefits of priority of filing dates as it is entitled to.

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